

REMARKS

Claims 1-24 and 26-30 are currently pending in the patent application. The Examiner has rejected Claims 1-8, 10, 13-24 and 26-30 under 35 USC 102(e) as anticipated by Inoue; Claim 9 under 35 USC § 103 as being unpatentable over Inoue in view of Dureau; Claim 11 under 35 USC 103 as unpatentable over the teachings of Inoue in view of Mankovitz; and, Claim 12 under 35 USC 103 as being unpatentable over the teachings of Inoue in view of Zigmond. For the reasons set forth below, Applicants respectfully assert that all of the pending claims are patentable over the cited prior art.

The present invention teaches a system, method, apparatus, and broadcast stream wherein secondary content which relates to the primary content of a broadcast stream is scheduled for cyclic delivery with the primary content. The delivery of secondary content is cyclic, as detailed on page 8 of the present Specification, which means that it is sent multiple times in the course of delivery and display of the primary content. The secondary content is first delivered as part of the initial broadcast, preferably

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before the primary content to which it pertains. Thereafter, for those viewers who might tune in late, the secondary content is cyclically broadcast or, alternatively, is rebroadcast to multiple requesting viewers or is narrowcast to individual requesting viewers.

The Inoue patent is directed to a system and method for providing data between different devices over a single data bus. Audio and video data from a television server, music data from a tune server, additional audio information from an additional audio information server, and GUI data from a GUI server can all be multiplexed at a terrestrial station and then sent via a charging server or satellite system to a single user location along the one data bus. What Inoue teaches is that the terrestrial station time multiplexes the packets for transmission (see: Col. 17, lines 12-21).

Applicants respectfully assert that the teachings of the Inoue patent do not anticipate the claim language and do not obviate the claim language alone or in combination with the additionally-cited references. The Inoue patent expressly teaches time multiplexing of packets and does not teach or suggest creating a schedule for delivery of secondary content in a predetermined relationship with the delivery of the primary content. Further, Inoue does not

teach or suggest that retransmission of the secondary content can be requested.

For a patent to anticipate another invention under 35 USC § 102(b), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Inoue patent clearly does not teach steps and means for creating a schedule for delivery of secondary content with primary content in a predetermined relationship, and does not teach steps and means for receiving and responding to retransmission requests, it cannot be maintained that the Inoue patent anticipates each and every claim feature.

In light of the fact that the Inoue patent does not show each and every feature of the claimed invention, Applicants respectfully request that the rejection based on 35 USC § 102(b) be withdrawn. Further, it is respectfully argued that none of the additionally cited art teaches or suggests those features which are missing from the Inoue patent. Accordingly, Applicants believe that a *prima facie* case of obviousness has not been established.

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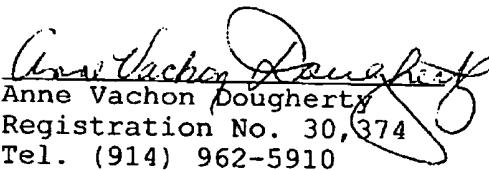
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Based on the foregoing amendments and remarks, Applicants request entry of the amendments, reconsideration of the rejections, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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Enclosures

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